

E-Filed on 04/09/07

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10 **UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

11 In re:

12 USA COMMERCIAL MORTGAGE  
 COMPANY,

13 USA CAPITAL REALTY ADVISORS,  
 LLC,

14 USA CAPITAL DIVERSIFIED TRUST  
 DEED FUND, LLC,

15 USA CAPITAL FIRST TRUST DEED  
 FUND, LLC,

16 USA SECURITIES, LLC, Debtors.

17 **Affects:**

18  All Debtors  
 USA Commercial Mortgage Company  
 USA Capital Realty Advisors, LLC  
 USA Capital Diversified Trust Deed Fund, LLC  
 USA Capital First Trust Deed Fund, LLC  
 USA Securities, LLC

19 Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR  
 Case No. BK-S-06-10729-LBR

20 **CHAPTER 11**

21 Jointly Administered Under Case No.  
 BK-S-06-10725 LBR

22 **MOTION FOR ORDER REQUIRING  
 NEVADA STATE BANK TO  
 PRODUCE A CUSTODIAN OF  
 DOCUMENTS AND A CORPORATE  
 REPRESENTATIVE FOR  
 EXAMINATION PURSUANT TO  
 FEDERAL RULE OF  
 BANKRUPTCY PROCEDURE 2004**

23 [No hearing required]

24 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating  
 Trust (the “Trust” or “Movant”) hereby moves this Court for an order requiring Nevada  
 State Bank. (“NSB”) to produce a custodian of documents and a corporate representative,  
 as set forth in subpoenas issued under Federal Rule of Bankruptcy Procedure 9016, to

1 appear for examination at the law office of Lewis and Roca, LLP, 3993 Howard Hughes  
2 Parkway, Suite 600, Las Vegas, Nevada 89169, on a business day no earlier than ten (10)  
3 business days after the filing of this Motion and no later than April 30, 2007, or at such  
4 other mutually agreeable location, date, and time, and continuing from day to day  
5 thereafter until completed.

6  
7 This Motion is further explained in the following Memorandum.  
8

9  
10 **Memorandum**

11 The Movant seeks information concerning legal services performed by NSB on  
12 behalf of USACM, the other debtors in the above-captioned cases (together with USACM,  
13 the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related  
14 entities. The Movant seeks this information to assist in the collection of the assets and the  
15 investigation of the liabilities of the Debtors.

16 The requested discovery from NSB is well within the scope of examination  
17 permitted under Bankruptcy Rule 2004, which includes:

18 [t]he acts, conduct, or property or . . . the liabilities and financial condition  
19 of the debtor, or . . . any matter which may affect the administration of the  
20 debtor’s estate, or to the debtor’s right to a discharge. In a . . .  
21 reorganization case under chapter 11 of the Code, . . . the examination may  
22 also relate to the operation of any business and the desirability of its  
continuance, the source of any money or property acquired or to be acquired  
by the debtor for purposes of consummating a plan and the consideration  
given or offered therefore, and any other matter relevant to the case or to the  
formulation of a plan.

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1 FED.R. BANKR. P. 2004(b).

## **Conclusion**

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: April 9, 2007.

## DIAMOND MCCARTHY LLP

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